

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOHN VALENTE,

Plaintiff,

:

Case No. 3:08-cv-225

-vs-

Magistrate Judge Michael R. Merz

:

UNIVERSITY OF DAYTON,

Defendant.

**DECISION AND ENTRY GRANTING IN PART AND DENYING IN PART
PLAINTIFF'S MOTION FOR COURT'S AUTHORIZATION FOR DEPOSITION
PROTOCOL**

This case is before the Court on Plaintiff's Motion for Court's Authorization for Deposition Protocol: Expedited Disposition Requested (Doc. No. 114). Plaintiff requests that this Court either approve of his proposed method of deposition or for the Court to repeat its prior decision regarding deposition protocol (See Doc. No. 96).

Pursuant to the Court's instruction, the Court's judicial assistant spoke to Plaintiff and Defendant's counsel, Paul Hallinan, to ascertain whom the Plaintiff intended to depose and dates the parties were available for deposition.

In order to avoid any potential problem that may arise out of Plaintiff's proposed method of deposition and in an effort to accommodate the depositions prior to the October 1, 2009, discovery deadline, it is hereby ORDERED that Plaintiff conduct the depositions of a representative of the University of Dayton designated by Defendant, Cassie Scruege, and Jada Smarda on September 25, 2009, commencing at 9:00 a.m. in Courtroom No. 4 at the United States Courthouse, 200 West Second Street, Dayton, Ohio. Plaintiff is responsible for noticing the depositions and issuing the

necessary subpoenas. The depositions will be presided over by the undersigned and will be audio recorded on the Court's audio recording system by Courtroom Deputy Clerk Gayle Hays. No video recording will be permitted because of the standing rule in the United States Courts against cameras in courtrooms. This Order does not purport to resolve any possible issues relating to notice of the 30(b)(6) deposition or the individual depositions; it merely sets the time and protocol.

September 15, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge